

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
DANYELL THOMAS, RASHAUN F. FRAZER, :  
ANDRAE WHALEY and ELENI MIGLIS, :  
individually and on behalf of all other employees  
similarly situated

Plaintiffs

v. :

Civil Action No. 16-cv-8160

BED BATH AND BEYOND, INC. :

Defendant.  
:  
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**DECLARATION OF KIMBERLY CAMPBELL**

I, KIMBERLY CAMPBELL, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge and the stores in which I have experience as a District Human Resources Manager.
4. I became employed by Bed Bath and Beyond Inc. ("BBB") in August 2010 as a District Human Resources Manager and I currently remain in that role.
5. In my capacity as a District Human Resources Manager, I currently oversee fifteen (15) stores, with six (6) stores across the New York City boroughs of Queens, Brooklyn, and Staten Island (but not Manhattan or the Bronx), as well as five (5) in Westchester and two

(2) in Long Island, and two (2) stores in New Jersey. The stores in my District are mostly higher volume stores.

6. Typically, a BBB District Human Resources Manager has responsibility for a number of stores in a particular geographic area. Within that geographic area are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers reporting to them. Each store then has Department Managers who report to the Assistant Store Managers. Assistant Store Managers oversee Department Managers and hourly Store Associates. The number of Assistant Store Managers, Department Managers, and hourly Associates varies from store to store, depending on store volume.

7. BBB employs Department Managers for numerous departments. The number and types of departments in each store depends on geographic location of the store and store volume. The most common types of Department Managers are Hardside and Softside Managers. Larger volume stores also have more specialized Department Managers. Examples of specialized Department Managers in my larger volume stores include, among others, Houseware Department Managers; Lifestyle Department Managers; Bedding Department Managers; Freight flow Managers; Fine China Department Managers; and Harmon Managers.

8. For the period 2013 – 2015, the amount of overtime that each Department Manager worked depended on which department a manager was in. For example, Hardside Managers tended to work more overtime hours during the Holiday season; Softside Managers tended to work more overtime hours during back to college season; Receiving Managers typically worked overtime when unexpected or unplanned freight was delivered.

9. Specific times of year or events at each store also increased the availability and level of overtime worked by a Department Manager. For example, certain stores did promotional

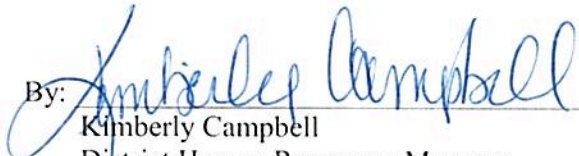
events throughout the year where Customer Service Managers were most likely to work additional overtime. During 2013 – 2015, one example of a promotional event was around back to college season where high school students were invited to shop after hours. Customer Service Managers worked with the local high schools and colleges to help students sign up for the event, and organized personal shoppers to assist the students during the event. The personal shoppers were typically Customer Service Managers from other stores who volunteered to help and thus were also likely to work additional overtime hours. Different stores did different promotional events (*i.e.*, stores with Fine China Departments might hold wedding related events while other stores would not) and different Department Managers were responsible for different events; thus, the number of overtime hours worked for such events varied greatly store-to-store, event-to-event, and Manager-to-Manager.

10. Individual personal situations also made a large difference in the amount of overtime hours worked by Department Managers. For example, some Department Managers were driven and put forth extra effort to stay late or came in on their day off to complete a project. Other Department Managers either did not share that same initiative, or were unable to work additional overtime hours due to personal reasons such as child care, elder care, commuting issues, or having a second job.

11. Additionally, some Department Managers had overtime opportunities as a result of being assigned to be the Manager On Duty (“MOD”), or the Key-Holder On-Duty. These roles were assigned by the Store Manager and shifts typically went to the more experienced or better performing Department Managers. In order to complete all of their normal work in addition to taking these shifts, these Department Managers may have had to work overtime.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6<sup>th</sup> day of April, 2017.

By:   
Kimberly Campbell  
District Human Resources Manager  
Bed Bath and Beyond Inc.